1 2 3 4 5 6 7 8	JOSH COLE AICKLEN Nevada Bar No. 07254 Josh.aicklen@lewisbrisbois.com SHARON A. PARKER Nevada Bar No. 08274 Sharon.Parker@lewisbrisbois.com LEWIS BRISBOIS BISGAARD & SMITH LLP 6385 S. Rainbow Boulevard, Suite 600 Las Vegas, Nevada 89118 TEL: 702.893.3383 FAX: 702.893.3789 Attorneys for Defendant GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN RESTAURANT		
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
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12	RACHEL W. KOVAR,	CASE NO. 2:20-cv-01819-JCM-BNW	
13	Plaintiffs,	STIPULATION AND ORDER TO EXTEND	
14	VS.	DISCOVERY DEADLINES	
15	GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN RESTAURANT, a Florida	[SECOND REQUEST]	
16 17	foreign corporation; DOE Individuals I through X; and ROE Corporations and Organizations I through V, inclusive,		
18	Defendants.		
19			
20	COME NOW, Defendant GMRI, IN	NC. d/b/a THE OLIVE GARDEN ITALIAN	
21	RESTAURANT ("Defendant") and Plaintiff RACHEL W. KOVAR ("Plaintiff"), by and		
22	through their respective counsel of record, and pursuant to LR 6-1 and LR 26-3, hereby		
23	stipulate and request that all current discovery deadlines in the above-captioned case be		
24	continued for a period of sixty (60) days. In addition, the parties request that all other		
25	future deadlines contemplated by the Scheduling Order be extended pursuant to Local		

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1. On September 30, 2020, Defendant filed its Petition for Removal regarding Eighth Judicial District Court Case No. A-20-820490-C. [ECF No. 1]

Rule. In support of this Stipulation and Request, the parties state as follows

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- 2. On September 30, 2020, Defendant answered Plaintiff's Complaint in the federal court action. [ECF No. 5]
- On October 13, 2020, the parties conducted an initial FRCP 26(f) 3. conference.
- 4. On October 16, 2020, Plaintiff served her FRCP 26 Initial Disclosures on Defendant.
- 5. On October 27, 2020, Defendant served its FRCP 26 Initial Disclosures on Plaintiff.
- 6. On October 27, 2020, the parties filed a Stipulated Discovery Plan and Scheduling Order. [ECF No. 9]
- 7. On October 29, 2020, the parties submitted the Joint Status Report as ordered by ECF No. 6. [ECF No. 10]
- 8. On November 3, 2020, Plaintiff served interrogatories and requests for production of documents on Defendant.
- 9. On November 11, 2020, Defendant served interrogatories, requests for admissions, and requests for production of documents on Plaintiff.
- 10. On November 12, 2020, the Court denied the parties' Discovery Plan and Scheduling Order [ECF No. 9] and issued the currently operative Scheduling Order. [ECF No. 11]
- 11. On December 2, 2020, Defendant served it responses to Plaintiff's written discovery requests.
- 12. On December 7, 2020, Plaintiff's counsel requested, and Defendant's counsel agreed to, an extension for Plaintiff to respond to Defendant's written discovery requests.
- 13. On December 28, 2020, Plaintiff served her responses to Defendant's written discovery requests.

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- 14. On January 7, 2021, the proposed Stipulation and Order to Extend Discovery Deadlines [First Request] was submitted to the Court [ECF No. 12].
- On January 11, 2021, the Court issued the Stipulation and Order to Extend 15. Discovery Deadlines [First Request] [ECF No. 13].
- 16. On January 14, 2021 Plaintiff served her First Supplemental Response to Defendant, GMRI, Inc. d/b/a The Olive Garden Italian Restaurant Request for Production of Documents.
- 17. On January 27, 2021, Defendant GMRI, Inc. d/b/a The Olive Garden Italian Restaurant took Plaintiff's deposition.
- 18. On March 10, 2021, Plaintiff issued a Notice of Taking Deposition of Billy Poston, scheduled for April 8, 2021, at 10:00 a.m.

DISCOVERY REMAINING

- 1. Plaintiff will take the deposition of Defendant's employee witness involved in the subject accident.
 - 2. The parties will designate initial expert witnesses.
 - 3. The parties will designate rebuttal expert witnesses.
 - 4. The parties will take the depositions of the designated expert witnesses.
- 5. The parties will take the depositions of any and all other witnesses garnered through discovery.
 - 6. The parties will continue to gather relevant records.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

Pursuant to Local Rule 26-3, the parties aver that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to conduct discovery. Although Plaintiff's deposition has been taken and the deposition of Billy Poston was scheduled for April 8, 2021, nonetheless, the COVID-19 pandemic has slowed the parties' ability to streamline

discovery. The parties are engaged in settlement negotiations and have agreed to continue Mr. Poston's deposition to see if this case may be resolved. The parties would like additional time to exhaust settlement negotiations prior to having to incur the expense and time associated in preparing for expert discovery.

Pursuant to the above, the parties have conferred and request an extension of the current deadlines as they will not currently suffice for the logistics of this case.

EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER

LR 26-3 governs extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

This is the second request for extension of time in this matter. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the extension.

The following is a list of the current discovery deadlines and the parties' proposed extended deadlines:

Event	Current Deadline	Proposed Deadline
Expert Disclosure pursuant to FRCP 26(a)(2)	April 28, 2021	June 28, 2021 ¹
Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	May 28, 2021	July 28, 2021
Discovery Cut-off	June 28, 2021	August 27, 2021
Dispositive Motions	July 27, 2021	September 27, 2021 ²
Joint Pretrial Order	August 26, 2021	October 27, 2021

¹ Sixty (60) days from the current April 28, 2021 expert disclosure deadline is June 27, 2021, a Sunday.

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² Thirty (30) days after the proposed discovery deadline is September 26, 2021, a Sunday.

1	WHEREFORE the parties respectfully rec	usest that all current discovery deadlines		
2	WHEREFORE, the parties respectfully request that all current discovery deadlines in the above-captioned case be continued for a period of sixty (60) days, as outlined in			
3	accordance with the table above.			
4	DATED this 12th day of April, 2021.	DATED this 12 th day of April, 2021.		
5	LEWIS BRISBOIS BISGAARD &	O'REILLY LAW GROUP, LLC		
6	SMITH LLP			
7				
8	/s/ Josh Cole Aicklen JOSH COLE AICKLEN	/s/ Timothy R. O'Reilly TIMOTHY R. O'REILLY, ESQ.		
9	Nevada Bar No. 07254 SHARON A. PARKER	Nevada Bar No. 8866 O'REILLY LAW GROUP, LLC		
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10	JENNIFER R. LANAHAN Nevada Bar No. 14561	Las Vegas, NV 89101		
11	6385 S. Rainbow Boulevard, Suite 600	GERALD I. GILLOCK, ESQ.		
12	Las Vegas, Nevada 89118	Nevada Bar No. 51 GERALD I. GILLOCK & ASSOCIATES		
13	Attorneys for Defendant	428 South Fourth Street		
14	GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN RESTAURANT	Las Vegas, NV 89101		
15		SAMUEL MIREJOVSKY, ESQ. Nevada Bar No. 13919		
16		ASHLEY M. WATKINS, ESQ.		
17		Nevada Bar No. 13981 SAM & ASH, LLP		
18		1108 S. Casino Center Las Vegas, NV 89104		
19		G .		
20		Attorneys for Plaintiff RACHEL W. KOVAR		
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	<u>ORDER</u>			
22	IT IS SO ORDERED.			
23	DATED this 15th Jay of April, 2021.			
24		Bentoweken		
25		U.S. MAGISTRATE JUDGE		
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LEWIS BRISBOIS BISGAARD & SMITH LLP ATTORNEYS AT LAW

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